



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,512	11/26/2003	Sumitake Kobayashi	1734.1001CIP	6099

21171 7590 03/04/2005

STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
----------

REID, CHERYL M

ART UNIT	PAPER NUMBER
----------	--------------

2142

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/721,512

Applicant(s)

KOBAYASHI ET AL.

Examiner

Cheryl M. Reid

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 14 and 18-21 are rejected because the claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Examiner has great difficulty in comprehending the meaning of the claims. In particular, examiner is unclear of the function of the assigning unit mentioned in Claim 14 and the utilizing situation information mentioned throughout claim 18-21. Examiner is interpreting the assigning unit as a unit that assigns a request a place in the processing queue. This interpretation is used for examining the claims. Proper correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2142

4. Claims 14- 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori and in further view of Kashiwagi.

**Claim 14 and 21**

- Mori teaches of a plurality of request processing means for processing requests received from said plurality of multifunction machines via the network (Col 2, lines 30-40, Col 3, lines 60-65), said request processing means assigning, when receiving the request from said multifunction machine, said multifunction machine having transmitted the request to said request processing means itself, assigning means for sending to said multifunction machine a completion-of-assignment notification indicating that an operation in linkage via the network becomes possible (Col 11, lines 4-10). Mori is silent in regards to assignment canceling means for canceling, when the request is not received from said assigned multifunction machine even after a predetermined has elapsed, the assignment of said multifunction machine by said request processing means. Mori teaches of using a predetermined time mechanism (Fig 7, Col 12, lines 35-45). Kashiwagi teaches of using cancellation means (Col 6, lines 25-45). Mori's invention relates to providing an efficient multifunction processing system (Col 1, lines 15-25). Kashiwagi's invention relates to a multifunction image processing system (Col 1, lines 5-15). Modifying Mori's invention so that a cancellation is done if data is

not received in a predetermined time would result in a more efficient system because it would allow the system to efficient allocate and use its resources. It is for this reason that one of ordinary skill in the art at the time of invention would have been motivated to make the above-mentioned modifications.

**Claim 15**

- Mori teaches on means for sending to said multifunction machine the completion-of-assignment notification containing information on processes executable by said server (Col 11, lines 55-67, Fig 5).

**Claim 16-17**

- Mori teaches on means, for faxing the image data, having a function of faxing, when given a request for a FAX transmission from said multifunction machine assigned by said request processing means, the image data received from said multifunction machine (Col 4, lines 65-67, Col 5, lines 1-15); Mori teaches of for recording plural pieces of image data, having a function of recording, when said multifunction requests said request processing means to register the image data, the image data received from said multifunction machine (Col 5, lines 20-25).

**Claim 18**

- Mori teaches of recording means for recording the utilizing situation information received from said plurality of multifunction machines', and utilizing situation information transmitting means for transmitting, when any one of nodes makes a request for transmitting the utilizing situation information, the utilizing situation information back to said node having transmitted the transmission request (Col 5, lines 55-60).

**Claim 19**

- Mori teaches of transmitting information (Col 7, lines 1-10). Mori does not explicitly teach of transmitting information at a predetermine (specified) time. Mori does teach of using a timer (Col 12, lines 30-40). Modifying Mori's invention so that it transmits data at a specified time would result in a more efficient system. It is for this reason that one of ordinary skill in the art at the time of invention would have been motivated to make the above-mentioned modifications.

**Claim 20**

- Mori does not explicitly teach of destruction detecting means for detecting a destruction of the information recorded in said utilizing situation information recording means, and utilizing situation information managing

Art Unit: 2142

means for, when detecting the destruction of the information, requesting each of said multifunction machines to transmit the utilizing situation information, and again recording said utilizing situation information recording means with the utilizing situation information of said each multifunction machine which is received as a response to the above request. Kashiwagi teaches of destruction detecting means ....(Col 6, lines 40-45). One of ordinary skill in the art at the time of invention would be motivated to make the above-mentioned modifications for the same reasons discussed above in Claim 14.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M. Reid whose telephone number is 571 272 3903. The examiner can normally be reached on Mon- Fri (7-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (571)272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2142

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmr



Jack Hays  
DIRECTOR OF PATENT AND TRADEMARK  
OFFICE OF THE SECRETARY OF COMMERCE